



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-14457-2025

Date of Decision: 20.08.2025

Union of India and others**....Petitioners****Versus****Ex. HAV Sat Pal and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Jyoti Choudhary, Senior Panel Counsel
for the petitioners.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 10.10.2024 (Annexure P-1) passed by respondent No.2-Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, respondent No.1 has been allowed the benefit of disability pension by rounding off the disability element from 20 % to 50 % for life on the ground that the same is perverse.

2. Learned counsel for the petitioners submits that the claim raised by the petitioners is at a belated stage i.e. after the lapse of approximately 35 years hence, the same should not have been accepted. Further, learned counsel for the petitioners submits that respondent No.1 is not entitled to the benefit of



rounded off the disability pension from 20% to 50% by placing reliance upon the judgments of the Hon'ble Supreme Court of India in Civil Appeal No.5605 of 2010 titled ***Sukhvinder Singh vs. Union of India and others*** decided on 25.06.2014, and ***Union of India and others vs. Ram Avtar, 2014 SCC Online SC 1761***, thus, the grant of benefit of disability pension to respondent No. 1 by rounding off @ 50% is incorrect and the facts of the present case have not been appreciated in correct perspective by the Tribunal while passing the impugned order dated 10.10.2024 (Annexure P-1).

3. We have heard learned counsel for the petitioners and have gone through the case file with her able assistance.

4. As per the settled principle of law settled by Hon'ble Supreme Court of India in ***Ram Avtar's case (supra)***, any officer serving in the Armed Forces, who had undergone the medical examination at the time of his/her selection and was found fit, subsequently upon suffering a disability, is entitled to the benefit of disability pension by rounding off the same as the presumption would be that the disability suffered is attributable to the Military service. Relevant paras of the judgment in ***Ram Avtar's case (supra)***, are as under:-

“4. By the present set of appeals the appellant(s) raise the question, whether or not, an individual, who has retired on attaining the age of superannuation or on completion of his tenure of engagement, if found to be suffering from some disability which is attributable to or aggravated by the military service, is entitled to be granted the benefit of rounding-off of disability pension. The appellant(s) herein would contend that, on the basis of Circular No.



1(2)/97/D(Pen-C) issued by the Ministry of Defence, Government of India, dated 31.01.2001, the aforesaid benefit is made available only to an Armed Forces Personnel who is invalidated out of service, and not to any other category of Armed Forces Personnel mentioned hereinabove.

5. *We have heard learned counsel for the parties to the lis.*

6. *We do not see any error in the impugned judgment(s) and order(s) and therefore all the appeals which pertain to the concept of rounding-off of the disability pension are dismissed, with no order as to costs.*

7. *The dismissal of these matters will be taken note of by the High Courts as well as by the Tribunals in granting appropriate relief to the pensioners before them, if any, who are getting or are entitled to the disability pension.”*

5. Learned counsel for the petitioners has not been able to dispute the said proposition of law having been settled by the Hon’ble Supreme Court of India in **Ram Avtar’s case (supra)**, to the effect that percentage of disability to be rounded off and when applied in the present case disability of 20% to be rounded off to 50%.

6. Keeping in view the facts and circumstance of the present case as well as the settled principle of law settled in **Ram Avtar’s case (supra)**, respondent No.1 has rightly been held to be entitled to disability pension by rounding off the disability element from 20% to 50% w.e.f. 01.01.1996 for life.

7. It may be noticed that the last argument raised by the learned



counsel for the petitioners is that there was a delay of 35 years in filing of the Original Application before the Tribunal in the year 2019.

8. Further, as per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No.3086 of 2012 titled as **Balbir Singh vs. Union of India and others**, decided on 08.04.2016 held that the delay in filing an Original Application is liable to be condoned, since such claims are continuing and recurring in nature. The Court further held that mere delay cannot defeat the valuable right of the claimant nor restrict the arrears. The relevant paragraph of the judgment is as under:

“The Tribunal was therefore justified in restoring the service element of the pension in favour of the appellant. The question however is whether the arrears could have been restricted to three years only. The Tribunal in our view need not have done so. That is because the appellant had a right to receive service element of the pension in light of Regulation 186 (supra), which right was valuable and ought to have been protected. The fact that the appellant had approached the Tribunal for redress belatedly was in the peculiar circumstances of the case no reason for the Tribunal to reduce the payment of arrears to three years only.

We accordingly allow this appeal and modify the order passed by the Tribunal with the direction that the appellant shall be paid service element of the pension with effect from the date the said payment was stopped by the respondents. We however grant to the respondents three months time to calculate and release the arrears in favour of the appellant. In case the needful is not done within the time stipulated, the arrears payable to the appellant shall start earning interest at the rate of 9% from the date the period of three months expires till actual payment of the amount.”



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9. Keeping in view the facts and circumstances of the present case, the ground taken by the petitioners qua the delay to deny the benefit, cannot be accepted in the present petition.

10. No other argument has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 10.10.2024 (Annexure P-1) either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Accordingly, the writ petition is dismissed.

13. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 20, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No